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Attorneys for Defendants C&S LOGISTICS OF HAWAII, LLC, C&S WHOLESALE GROCERS, INC., C&S ACQUISITIONS LLC; ES3, LLC, and RICHARD **COHEN**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

| WAYNE BERRY, a Hawaii citizen; |) CIVIL NO. CV03-00385 SOM-LEK) (Copyright) |
|---|--|
| Plaintiff, |) |
| VS. |) NOTICE OF NON-HEARING) MOTION |
| HAWAIIAN EXPRESS SERVICE, INC., et al., |))) |
| Defendants. |) |
| | Non-Hearing Hon. Magistrate Leslie Kobayashi Trial Date: February 28, 2006 Judgment Entered: March 9, 2006) |

NOTICE OF NON-HEARING MOTION

TO: Timothy J. Hogan, Esq.

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Attorney for Defendants Mark Dillon, Teresa Noa, Melvin Ponce, Sonia Purdy, Justin Fukumoto, Alfredda Waiolama and Jacqueline Rio

NOTICE IS HEREBY GIVEN THAT DEFENDANTS C&S LOGISTICS OF HAWAII, LLC, C&S WHOLESALE GROCERS, INC., C&S ACQUISITIONS LLC; ES3, LLC, and RICHARD COHEN have filed their MOTION FOR ATTORNEYS' FEES AND COSTS, with the aboveentitled Court. Pursuant to LR 54.3 this motion will be considered by Magistrate Judge Leslie Kobayashi as a non-hearing motion.

DATED: Honolulu, Hawaii, March 23, 2006.

/s/ Thomas H. Yee

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